

IN THE DRAWINGS:

Please replace the pages including Figures 1-11 with the enclosed replacement pages including formalized Figures 1-11.

REMARKS

By this amendment, Figures 1-11 have been replaced; claims 1-30 have been amended; and claim 31 has been added. No claims have been canceled.

Figures 1-11 have been replaced with new Figures 1-11 found on the enclosed replacement sheets. New Figures 1-11 are a formalized version of the figures previously on file.

Claims 1-31 are now pending in the application. Reconsideration and allowance of all of the claims are respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-16 have been amended to now recite an induction system comprising, *inter alia*, an intercooler. Claims 17-28 have been amended to now recite an internal combustion engine comprising, *inter alia*, an intercooler. Claims 29 and 30 have been amended to now recite a combination comprising, *inter alia*, an intercooler. Amendments have also been made throughout the claims to clarify what the Applicants believe to be their invention, to correct grammatical errors, for consistency, and to provide proper antecedent. These amendments have not been made in response to a rejection made by the Examiner and no surrender of subject matter is intended thereby.

Claim 31 which recites a charging device and depends from claim 1 has been added. Support for this claim may be found in paragraph 34.

In the Office Action, the Examiner rejected claim 1-30 under 35 U.S.C. 103(a) as being unpatentable over Bilek (US 6,601,528) in view of Ejima (US 4,377,203). The Examiner stated:

Bilek discloses an intercooler with a plurality of cooling passageway located with a gas passageway for cooling intake gas for an internal combustion engine (See Fig. 27). However, Bilek does not show the use of a plurality of cooling tubes formed a portion of the body and at least partially surround the gas passageway. Ejima shows that the provision of a plurality of cooling tubes (460) formed a portion of the body and at least partially surround the gas passageway is old and well known in the art. A means for plate (48) is provided. Since the prior art references art from the same field of endeavor, the purpose disclosed by Ejima would have been recognized in the pertinent art of Bilek.

Therefore, it would have been obvious at the time the invention was made to person having ordinary skill in art to provide the device of Bilek with cooling tubes formed a portion of the body and at least partially surround the gas passageway as taught by Ejima...

Examiner's understanding of Bilek is incorrect. Figure 27 of Bilek actually discloses an air intake manifold (41) having a cylindrical flame arrester (42) through which the air passes radially. The flame arrester prevents backfire of flames from entering the engine compartment (see col. 20, lines 23-27). The flame arrester does not cool the intake air and is not an intercooler.

Examiner's understanding of Ejima is also incorrect. Ejima actually discloses a radiator a not an intercooler. The radiator of Ejima has a plurality of tubes over which air flows in order to cool the coolant flowing inside the tubes. The air thus ends up hotter after having contacted the tubes, which is contrary to the situation of an intercooler.

Examiner's argument for a *prima facie* case of obviousness thus fails for several reasons, none of which need be discussed at this time. It is sufficient merely to note that, even if the Examiner were correct in combining the teachings of Ejima with those of Bilek, which he is not, the claims cannot be obvious thereover, as, since neither Ejima nor Bilek alone recites an intercooler, their combination does not yield an intercooler. As an intercooler is required by all of the claims, the rejection based on such combination is improper as it fails to teach all of the claimed elements and limitations. For this reason alone, it is respectfully submitted that independent claims 1, 17, and 29 are allowable and that the rejection be withdrawn.

Dependent claims 2-16, and new claim 31 recite additional features of the invention and are therefore believed to be allowable for the same reasons recited above with respect to claim 1 and for the additional features recited therein.

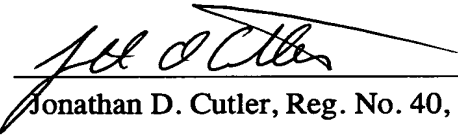
Dependent claims 18-28 recite additional features of the invention and are therefore believed to be allowable for the same reasons recited above with respect to claim 17 and for the additional features recited therein.

Dependent claims 30 recites additional features of the invention and is therefore believed to be allowable for the same reasons recited above with respect to claim 29 and for the additional features recited therein.

In view of the above amendment and remarks, the Applicants respectfully submit that claims 1-31 are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,


Jonathan D. Cutler, Reg. No. 40, 576
OSLER, HOSKIN & HARCOURT LLP
Attorneys for the Applicant

December 22, 2005

OSLER, HOSKIN & HARCOURT LLP
1000 de la Gauchetière St. West
Suite 2100
Montréal, Québec H3B 4W5
Canada

Tel. (514) 904-5624

Fax. (514) 904-8101